

SECTION 18. Section 264 of the statutes is renumbered to be section 25.12.

SECTION 19. Section 278, section 279, section 280, section 281, section 282 and section 282a of the statutes are repealed.

SECTION 20. A new section is added to the statutes to read:

25.13 INTEREST, HOW ACCOUNTED FOR. Every sum of money collected as interest upon any loan from either of the trust funds specified in section 25.01 shall be paid into the state treasury and be credited to the income of the fund from which the loan was made.

SECTION 21. Chapter 46 of Wisconsin session laws of 1867, chapters 129 and 130 of Wisconsin session laws of 1899, chapter 72 and 123 of Wisconsin session laws of 1901, chapters 97 and 216 of Wisconsin session laws of 1907, chapter 152 of Wisconsin session laws of 1909, chapters 238 and 363 of Wisconsin session laws of 1911 and chapter 647 of Wisconsin session laws of 1913 are added to section 4978 of the statutes at appropriate places according to their numbers and dates as further acts repealed by said section.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 28, 1917.

No. 550, S.]

Published June 30, 1917.

CHAPTER 537

AN ACT to renumber chapter 34 of the statutes and to renumber, consolidate and revise the sections of said chapter and to create two new chapters of the statutes, all relating to the Wisconsin National Guard and the Wisconsin Naval Militia.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 34 of the statutes is renumbered to be chapter 21; and said chapter shall contain sections of the statutes renumbered or renumbered and amended as follows:

Section 610 is renumbered to be section 21.01.

Section 610a is renumbered to be section 21.02.

Section 134 is renumbered to be section 21.03.

Section 649—25 is renumbered to be subsection (1) of section 21.04.

Section 645—1 is renumbered to be subsection (2) of section 21.04.

Section 649—8 is renumbered to be section 21.05.

Section 649—9 is renumbered to be section 21.06 and is

amended to read: * * * 21.06 * * * Every member of the national guard shall be exempt from jury duty and from the payment of poll tax of every description, and every member who shall be honorably discharged after five years' service, or by reason of injuries received in the line of duty, shall be forever so exempt, and also exempt from military duty in time of peace. The proper discharge certificate shall be conclusive evidence of the right to such exemption.

Section 649—31a is renumbered to be section 21.07.

Section 641m is renumbered to be section 21.08 and the subsection numbers thereof shall be enclosed in parentheses.

Section 649—22 is renumbered to be section 21.09.

Section 649—23 is renumbered to be section 21.10.

Section 649 is renumbered to be subsection (1) of section 21.11.

Section 649—1 is renumbered to be subsection (2) of section 21.11.

Section 649—29 is renumbered to be section 21.12.

Section 649—30 is renumbered to be section 21.13 and is amended by striking out the phrase "Subsection 3 of section 172—7" and inserting in place thereof the phrase "subsection (3) of section 20.08".

Section 4423m is renumbered to be section 21.14.

Section 649—28 is renumbered to be section 21.15.

Section 4423b is renumbered to be section 21.16 and the subsection numbers thereof shall be enclosed in parentheses.

Section 649—2 is numbered to be section 21.17.

Section 611 is renumbered to be section 21.18 and is amended to read: * * * 21.18 (1) The military staff of the governor shall be appointed by him and shall consist of * * * the adjutant general, with the rank of brigadier general, * * * adjutant general, one * * * chief surgeon, one inspector of small arms practice and five aides-de-camp, each with the rank of colonel, * * * two quarter masters * * * each with the rank of major, * * * two quartermasters, each with the rank of captain, and such other officers as he may require.

Section 612 is renumbered to be section (2) of section 21.18.

Section 611a is renumbered to be subsection (3) of section 21.18 and is amended to read: * * * (3) The adjutant general, * * * chief quartermaster, * * * adjutant general, * * * chief surgeon, inspector of small arms practice, quartermasters * * * of the Wisconsin National

Guard, * * * shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for the cause to be determined by a court-martial under the provisions of section * * * 21.37. Vacancies among said officers shall be filled by appointment from the officers of the Wisconsin National Guard.

Section 613 is renumbered to be section 21.19 and the subsection numbers thereof shall be enclosed in parentheses and subsection 1 is amended to read: * * * 21.19 (1) The adjutant general shall be chief of staff, inspector general and quartermaster-general. He shall have an office in the capitol and keep it open during the usual business hours. He shall have the custody of all military records, correspondence and other documents relating to the volunteers of this state, at any time in the service of the United States, and of the national guard heretofore or hereafter organized, except such as are required to be filed with the governor. * * * He shall be the medium of military correspondence with the governor and perform all other duties pertaining to his office or prescribed by law. He shall on or before the * * * *thirtieth day of June* in each even-numbered year make a report to the governor, to be laid before the legislature, of all the transactions of his department since the last biennial report, setting forth the number, strength and condition of the national guard, and such other matters as he may deem important. He shall make and transmit to the president the annual returns required by the laws of the United States and submit to the governor a duly certified copy thereof.

Section 614 is renumbered to be section 21.20.

Section 615 is renumbered to be section 21.21.

Section 616 is renumbered to be section 21.22.

Section 618 is renumbered to be section 21.23 and is amended to read: * * * 21.23 The quartermaster-general shall also be commissary general and chief of ordnance. * * *

Section 619 is renumbered to be section 21.24.

Section 620 is renumbered to be section 21.25.

Section 621 is renumbered to be section 21.26.

Section 622 is renumbered to be section 21.27.

Section 626 is renumbered to be section 21.28 and is amended to read: * * * 21.28 The medical department of the national guard shall be organized as follows: The * * * *chief surgeon* shall be the head thereof and shall be paid

a salary of five hundred dollars annually and shall be allowed his necessary expenses when serving under orders. There shall be as many surgeons as there are regiments, * * * *three* assistant surgeons for each regiment of infantry, and one for each * * * *squadron* of cavalry, * * * *battalion of field artillery* and separate battalion; such surgeons to have the rank of major, assistant surgeons to have the rank of first lieutenant mounted for the first five years of service and that of captain mounted after five years' service. A hospital corps may also be organized by order of the governor.

Section 627 is renumbered to be section 21.29 and is amended to read: * * * *21.29* All medical officers shall be commissioned by the governor upon the recommendation of the * * * *chief surgeon*, or otherwise, and any vacancies shall be filled by the promotion of the medical officer next in rank unless such promotion be waived or the governor order otherwise. No person shall be commissioned in the medical department until he shall have passed such examination as the * * * *chief surgeon* may direct.

Section 629 is renumbered to be section 21.30 and is amended to read: * * * *21.30* The * * * *chief surgeon* shall, under direction of the governor, have general supervision of the selection, purchase and issue of all medical and hospital supplies and may, with the approval of the governor, purchase such supplies as may be necessary; he shall make, subject to such approval, such regulations for the government of his department as he may deem necessary; he shall submit to the * * * *adjutant general* annually on the * * * *thirtieth day of June* a report with an itemized statement of the affairs and expenses of his department.

Section 630 is renumbered to be section 21.31 and is amended to read: * * * *21.31* The duties of the surgeons and the assistant surgeons shall be such as may be provided for by the United States or state regulations; they shall act as examiners of applicants for admission to the national guard, instruct the hospital corps, and advise commanding officers in sanitary matters. They may, by order of the governor, be assigned to duty with such commands as the * * * *chief surgeon* may recommend.

Section 631 is renumbered to be section 21.32 and is amended to read: * * * *21.32* The * * * *chief surgeon*, subject to the approval of the governor, shall provide for the physical examination of all recruits by regularly qualified physicians;

provided, that physicians making such examinations shall be paid not to exceed forty cents for each man examined.

Section 632 is renumbered to be section 21.33 and is amended to read: * * * 21.33 The * * * *chief quartermaster acting as paymaster* under orders from the governor, shall have authority to draw from the state treasury the money necessary for paying troops in camp or on active service, and shall furnish such security for the same as the state treasurer may direct. The amount due on account of the field, staff or other officers, noncommissioned staff and band, company or enlisted men, not herein enumerated, if any, shall be paid to the person to whom the same shall be due, on the properly signed and certified pay rolls.

Section 633 is renumbered to be section 21.34 and is amended to read: * * * 21.34 The national guard may, at the discretion of the governor, be organized into * * * brigades. The officers of * * * *a brigade* shall * * * *be such as provided by the laws of the United States governing the military forces.*

Section 633m is renumbered to be section 21.35.

Section 649—26 is renumbered to be subsection (1) of section 21.36.

Section 649—27 is renumbered to be subsection (2) of section 21.36.

Section 649—14 is renumbered to be subsection (3) of section 21.36.

Section 649—26a is renumbered to be section 21.37.

Section 649—31 is renumbered to be section 21.38 and is amended to read: * * * 21.38 The uniform of the national guard shall be that of the United States army. * * *

Section 634 is renumbered to be section 21.39 and is amended to read: * * * 21.39 The infantry shall be organized into regiments * * * *as provided by the laws and army regulations of the United States.* Each regiment may have one band. All companies not needed to complete the regiments of infantry may, at the discretion of the governor, be organized into a separate battalion.

Section 649—12 is renumbered to be section 21.40 and is amended to read: * * * 21.40 Whenever the word "company" is used in a military sense in this * * * *chapter*, it shall be understood and construed to mean a company of infantry, troop of cavalry, or battery of artillery.

Section 637 is renumbered to be section 21.41 and is amended

by striking out the phrase "section 1 of this act" and inserting in place thereof the phrase "section 21.01".

Section 637m is renumbered to be section 21.42.

Section 639 is renumbered to be section 21.43 and is amended to read: * * * 21.43 The governor shall issue commissions to all officers, * * * whose * * * appointment shall be approved by him. Every commission shall be countersigned by the secretary of state and attested by the adjutant general and continue * * * *as provided by law*. Each officer so commissioned shall take and file with the adjutant general the oath of office prescribed by the constitution. * * * All commissioned officers shall take rank according to the date assigned them by their commissions, and when two of the same grade rank from the same date, their rank shall be determined by length of service in the national guard, and if of equal service then by lot.

Section 635a is renumbered to be section 21.44.

Section 636a is renumbered to be section 21.45.

Section 639a is renumbered to be section 21.46.

Section 640 is renumbered to be section 21.47.

Section 641 is renumbered to be subsection (1) of section 21.48.

Section 642 is renumbered to be subsection (2) of section 21.48.

Section 643 is renumbered to be subsection (3) of section 21.48.

Section 649—4 is renumbered to be subsection (4) of section 21.48.

Section 644 is renumbered to be section 21.49.

Section 645 is renumbered to be section 21.50 and the subsection numbers shall be enclosed in parentheses.

Section 649—3 is renumbered to be section 21.51.

Section 649—5 is renumbered to be section 21.52.

Section 649—6 is renumbered to be section 21.53.

Section 649—7 is renumbered to be section 21.54.

Section 134a is renumbered to be section 21.55 and is amended to read: * * * 21.55 Whenever satisfactory evidence shall be furnished to the governor by any officer of any Wisconsin regiment which served in the civil war that his commission from this state, as such officer, has been lost or destroyed without his fault, the governor may furnish * * * *a suitable certificate of the facts shown by the records of said commission*.

Section 646 is renumbered to be section 21.56.

Section 647 is renumbered to be section 21.57.

Section 649—11 is renumbered to be section 21.58.

Section 625 is renumbered to be section 21.59.

Section 649—10 is renumbered to be section 21.60 and is amended to read: * * * 21.60 Enlisted men shall be discharged * * * as provided in the laws and regulations of the United States governing the national guard.

Section 649—19b is renumbered to be subsection (1) of section 21.61.

Section 649—19c is renumbered to be subsection (2) of section 21.61.

Section 649—19d is renumbered to be subsection (3) of section 21.61.

Section 649—19e is renumbered to be subsection (4) of section 21.61.

Section 649—21 is renumbered to be section 21.62.

Section 649—24 is renumbered to be section 21.63.

Section 649—13 is renumbered to be section 21.64 and is amended to read: * * * 21.64 Each company of the national guard shall assemble for instruction at least * * * four times in each month, unless in the case of infantry companies excused for good and sufficient reasons by the regimental commander, and in case of * * * a troop or battery unless excused by special order of the governor.

Section 649—16 is renumbered to be section 21.65.

Section 649—17 is renumbered to be section 21.66 and is amended to read: * * * 21.66 * * * each and every company and band of the national guard shall be mustered by the commanding officer thereof, as provided in the United States army regulations. * * *

Section 649—15 is renumbered to be section 21.67.

Section 649—35 is renumbered to be section 21.68 and the subsections thereof shall be enclosed in parentheses.

Section 649—36 is renumbered to be subsection (4) of section 21.68 and is amended to read: * * * (4) Nothing in * * * this section shall be construed to require an appropriation.

SECTION 2. A new chapter is added to the statutes to be numbered and entitled as follows:

CHAPTER 22.

WISCONSIN NAVAL MILITIA.

Said chapter shall contain sections of the statutes numbered as follows:

Section 649m is renumbered to be section 22.01.

Section 649n is renumbered to be section 22.02 and the subsection numbers thereof shall be enclosed in parentheses.

Section 649o is renumbered to be section 22.03.

Section 649p is renumbered to be section 22.04 and the subsections thereof shall be enclosed in parentheses.

Section 649q is renumbered to be section 22.05.

Section 649r is renumbered to be section 22.06.

Section 649s is renumbered to be section 22.07.

Section 649t is renumbered to be section 22.08.

SECTION 3. Section 649—18 of the statutes is renumbered to be paragraph (fm) of subsection (1) of section 20.03 and is amended to read: * * * (fm) * * * To each company and band of the national guard, for such company expenses as the governor may authorize, the sum of five dollars for each member in attendance and fully uniformed at the annual inspection. The governor may order such payment to be withheld from any company or band which shall be delinquent in return of reports, neglectful of its duties, parades, drills or instruction, or guilty of any insubordination, or misapplication of its funds drawn from the state. He may require, by orders, any company or band to leave all or any part of such funds in the treasury on deposit, and direct the same to be expended for uniforms or repairs thereon, or for insurance, when and in such amounts as he may think proper and make such orders and regulations or require such security from officers, from time to time, as he may deem necessary for the proper care or expenditure of such funds or the property procured therewith.

SECTION 4. Section 649—20 of the statutes is renumbered to be paragraph (fn) of subsection (1) of section 20.03 and is amended to read: * * * (fn) * * * To each troop and battery * * * subject to the approval of the governor, fifteen hundred dollars annually as extra allowances for the extraordinary expenses incident to drills and instruction of mounted organizations; provided, that not more than three hundred dollars of this amount shall be paid annually unless said troop and battery shall have present at each annual inspection not less than forty-five enlisted men in complete uniform, and at each annual encampment at least forty-five enlisted men properly mounted and equipped.

SECTION 5. Section 649—34 of the statutes is renumbered to be paragraph (fo) of subsection (1) of section 20.03 and is amended to read: * * * (fo) To promote interest and efficiency in rifle practice, not to exceed fifteen hundred dollars

* * * expended annually, on approval of the governor, to defray the expenses of the state participating in the annual national rifle competition between the several states and the army and navy of the United States. * * *

SECTION 6. Paragraph (c) of subsection (1) of section 20.03 is amended by striking out the section number "639a" and inserting in place thereof the section number "21.46"; paragraph (d) of subsection (1) of section 20.03 is amended by striking out the section number "641m" and inserting in place thereof the section number "21.08"; and paragraph (L) of subsection (1) of section 20.03 is amended by striking out the section number "649s" and inserting in place thereof the section number "22.07".

SECTION 7. Subsection (3) of section 20.03, and sections 617, 624, 628, 635, 636, 638, 649—29a, 649—32, 649—37 of the statutes are repealed.

SECTION 8. This act shall take effect upon passage and publication.

Approved June 29, 1917.

No. 557, S.]

[Published June 30, 1917.

CHAPTER 538

AN ACT to amend sections 31.19 and 31.20 of the statutes, relating to the inspection of dams and inspection fees.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 31.19 of the statutes is amended to read: Section 31.19. *The railroad commission shall examine at least once in each year each dam having a theoretical horse power capacity of seven hundred fifty horse power or more and which is maintained or operated in or across navigable waters, and in addition thereto and upon complaint in writing from the mayor of any city, supervisor of any town, or the president or trustee of any village, that any dam maintained or operated in or across any waters * * * whether navigable or nonnavigable, or any reservoir is in an unsafe condition, or from any person that his property or any property under his control is endangered by * * * a dam or reservoir, the commission shall investigate or cause an investigation to be made of such complaint, or the commission may, upon its own motion, examine any dam or reservoir, and, in any case, if it shall find that any dam or reservoir is not sufficiently strong, or is unsafe, and dangerous to life or property, it shall determine what alterations, additions or repairs are*